THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 604(h)

No. 131564

IN THE

SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellant, -vs- GEOFFREY SEYMORE, Defendant-Appellee.	))))))))))	Appeal from the Appellate Court of Illinois, No. 2-24-0616. There on appeal from the Circuit Court of the Twenty-Third Judicial Circuit, DeKalb County, Illinois, No. 24CF499. Honorable Joseph Pedersen, Judge Presiding.

BRIEF AND ARGUMENT FOR DEFENDANT-APPELLEE IN SUPPORT OF RULE 604(h) APPEAL

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III. Whether a jail sanction for a violation of a pretrial order is subject to good behavior credit reduction because the plain and clear language of the County Jail Good Behavior Allowance Act does not expressly exempt it and the common law establishes that a court ordered jail-term "sanction" is a sentence.

CONSTITUTIONAL PROVISIONS, STATUTES AND RULES INVOLVED[1]

Ill. Const. 1970, art. VI, § 6, Appellate Court - Jurisdiction

Appeals from final judgments of a Circuit Court are a matter of right to the Appellate Court in the Judicial District in which the Circuit Court is located except in cases appealable directly to the Supreme Court and except that after a trial on the merits in a criminal case, there shall be no appeal from a judgment of acquittal. The Supreme Court may provide by rule for appeals to the Appellate Court from other than final judgments of Circuit Courts. The Appellate Court may exercise original jurisdiction when necessary to the complete determination of any case on review. The Appellate Court shall have such powers of direct review of administrative action as provided by law.

Ill. Const. 1970, art. I, § 11, Limitation of penalties after conviction.

All penalties shall be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship. No conviction shall work corruption of blood or forfeiture of estate. No person shall be transported out of the State for an offense committed within the State.

725 ILCS 5/110-6 (d)-(f) (eff. Jan. 1, 2023) Revocation of pretrial release, modification of conditions of pretrial release, and sanctions for violations of conditions of pretrial release

(d) When a defendant appears in court pursuant to a summons or warrant issued in accordance with Section 110-3 or after being arrested for an offense that is alleged to have occurred during the defendant's pretrial release, the State may file a verified petition requesting a hearing for sanctions.

(e) During the hearing for sanctions, the defendant shall be represented by counsel and have an opportunity to be heard regarding the violation and evidence in mitigation. The State shall bear the burden of proving by clear and convincing evidence that:

> (1) the defendant committed an act that violated a term of the defendant's pretrial release;
>
> (2) the defendant had actual knowledge that the defendant's action would violate a court order;

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[1] This section provides the texts of the most relevant constitutional provisions, statutes, and rules, but this brief will also cite to others.

(3) the violation of the court order was willful; and

(4) the violation was not caused by a lack of access to financial monetary resources.

(f) Sanctions for violations of pretrial release may include:

(1) a verbal or written admonishment from the court;

(2) imprisonment in the county jail for a period not exceeding 30 days;

(3) (Blank); or

(4) a modification of the defendant's pretrial conditions

730 ILCS 130/2 (eff. Jan. 1, 2023) of the County Jail Good Behavior Allowance Act, Definitions

For the purposes of this Act:
"Committed person" means a person confined in a county jail whether serving a term of imprisonment or confined pending trial or sentencing.

"Good behavior" means the compliance by a person with all rules and regulations of the institution and all laws of the State while confined in a county jail whether serving a sentence of imprisonment or confined in the county jail pending trial or sentencing.

"Good behavior allowance" means the number of days awarded in diminution of sentence as a reward for good behavior.

"Date of sentence" means and includes the date of the calendar month on which the person commences to serve the sentence. If the sentence commences at midnight, date of sentence shall be the date of the day occurring one minute after midnight.

"Warden" means any sheriff or other police official charged with the duty of supervising and maintaining the confinement of prisoners.

730 ILCS 130/3 (eff. Jan. 1, 2023) of the County Jail Good Behavior Allowance Act, Allowance Rate

§ 3. The good behavior of any person who commences a sentence of confinement in a county jail for a fixed term of imprisonment after January 1, 1987 shall entitle such person to a good behavior allowance, except that: (1) a person who inflicted physical harm upon another person in committing the offense for which he is

confined shall receive no good behavior allowance; and (2) a person sentenced for an offense for which the law provides a mandatory minimum sentence shall not receive any portion of a good behavior allowance that would reduce the sentence below the mandatory minimum; and (3) a person sentenced to a county impact incarceration program; and (4) a person who is convicted of criminal sexual assault under subdivision (a)(3) of Section 11-1.20 or paragraph (a)(3) of Section 12-13 of the Criminal Code of 1961 or the Criminal Code of 2012, criminal sexual abuse, or aggravated criminal sexual abuse shall receive no good behavior allowance. The good behavior allowance provided for in this Section shall not apply to individuals sentenced for a felony to probation or conditional discharge where a condition of such probation or conditional discharge is that the individual serve a sentence of periodic imprisonment or to individuals sentenced under an order of court for civil contempt.

Such good behavior allowance shall be cumulative and awarded as provided in this Section. The good behavior allowance rate shall be cumulative and awarded on the following basis:

The prisoner shall receive one day of good behavior allowance for each day of service of sentence in the county jail, and one day of good behavior allowance for each day of incarceration in the county jail before sentencing for the offense that he or she is currently serving sentence but was unable to comply with the conditions of pretrial release before sentencing, except that a prisoner serving a sentence of periodic imprisonment under Section 5-7-1 of the Unified Code of Corrections2 shall only be eligible to receive good behavior allowance if authorized by the sentencing judge.

Each day of good behavior allowance shall reduce by one day the prisoner's period of incarceration set by the court. For the purpose of calculating a prisoner's good behavior allowance, a fractional part of a day shall not be calculated as a day of service of sentence in the county jail unless the fractional part of the day is over 12 hours in which case a whole day shall be credited on the good behavior allowance.

If consecutive sentences are served and the time served amounts to a total of one year or more, the good behavior allowance shall be calculated on a continuous basis throughout the entire time served beginning on the first date of sentence or incarceration, as the case may be.

Ill. S. Ct. Rul 604(h)(1) (eff. Apr. 15, 2024)**, Appeals From Orders Imposing Conditions of Pretrial Release, Granting or Denying a Petition to Deny Pretrial Release, or Revoking or Refusing to Revoke Pretrial Release.**

(h) Appeals From Orders Imposing Conditions of Pretrial Release, Granting or Denying a Petition to Deny Pretrial Release, or Revoking or Refusing to Revoke

Pretrial Release. (1) Orders Appealable. An appeal may be taken to the Appellate Court from an interlocutory order of court entered under sections 110-5, 110-6, and 110-6.1 of the Code of Criminal Procedure of 1963 as follows:

(I) by the State and by the defendant from an order imposing conditions of pretrial release;

(ii) by the defendant from an order revoking pretrial release or by the State from an order denying a petition to revoke pretrial release;

(iii) by the defendant from an order denying pretrial release; or

(iv) by the State from an order denying a petition to deny pretrial release.

STATEMENT OF FACTS

This case stems from Geoffrey Seymore violating a September 9, 2024, pretrial release order requiring GPS electronic monitoring and home confinement. (C. 15); (R. 11). As a result of the violation of the order, the State filed a petition for sanctions, pursuant to 725 ILCS 5/110-6(d), and the trial court granted the petition by ordering Seymore to serve a 30-day jail-term. (C. 28) The order stated "No good time to apply" to the 30-day period of imprisonment. (C. 28). Seymore served his jail-term for violating the court order.

A. Trial court Proceedings

The State charged Seymore with the alleged possession, manufacturing, and intent to deliver methamphetamine. (C. 5-8). The State filed a petition to deny pretrial release pursuant 725 ILCS 5/110-6.1, which the trial court denied on September 9, 2024. (C. 17-21). The trial court then ordered that Seymore be released with the conditions that he report to pretrial services, be placed on electronic home monitoring, wear a GPS device, and abide by other terms. (C. 12, 15-16); (R. 50-52). The court issued a written pretrial release order and a GPS electronic monitoring and home confinement order. (C. 12-13,15-16)

On September 11, 2024, the DeKalb County Sheriff's Office filed an electronic monitoring violation report that alleged that Seymore violated a court order when he was outside of his residence at three different locations without permission. (C. 23). On September 12, the State filed a 725 ILCS 5/110-6(d) petition for sanctions that requested 30 days of imprisonment for violating the court's order. (C. 26). The State claimed that Seymore was outside of his residence at three different

locations without permission. (C. 23, 26).

At the September 13, 2024, sanctions hearing, the State asked for 30 days in jail as a sanction. (R. 9-11). The State argued that it provided clear and convincing evidence that Seymore willfully violated the pretrial terms of release, because electronic monitoring showed that he was at three different locations without prior permission, he had prior notice of the release terms, and he received copies of the release order and the electronic home monitoring order. (R. 9-10).

Counsel called the 30-day sanction excessive and noted that his client had spent four days in jail by the time of the sanctions hearing. (R. 12). Defense counsel argued that Seymore should be released and argued that a "modification of the defendant's pretrial conditions" was sufficient.(R. 11-12). Counsel asked for Seymore's release in order for him to get treatment. (R. 12).

The trial court stated that Seymore knew he was violating a "court order." (R. 14). The trial court found "by clear and convincing evidence that he had actual knowledge that violating the terms of electronic home monitoring would violate the court order." (R. 14). The court stated that it would impose a sanction of 30 days in jail and that "[g]ood time does not apply to a sanction, so he'll have to serve the entire 30 days. . ." (R. 15). In a written order, the court wrote, "No good time to apply." (C. 28). The docket entry states: "Disposition: Pretrial: Rev/Sanction for PTR - Cond Modified/Sanctions." (C. 73).

On September 19, 2024, Seymore filed an Illinois Supreme Court Rule 604(h) motion for relief that argued that Seymore was entitled to a "good behavior allowance" that applies to "all sentences of incarceration" pursuant to the County

Jail Good Behavior Allowance Act ("BAA"), 730 ILCS 130/3. (C. 36-37). Seymore argued that he was entitled to day-for-day credit during his 30-day sanction that began or before September 13, 2024. (C. 37).

At a hearing on September 26, 2024, the trial court concluded that Seymore could not immediately receive good-time credit because the 30-day jail-term – issued pursuant to 725 ILCS 5/110-6 – was a "sanction," as opposed to a "sentence." (R. 62). The court noted that section 110-6(f) did not include any mention of good conduct allowance. (R. 62). The court then stated, "So based on my plain reading of this section 5/110-6, I find that the defendant is not entitled to any good conduct credit for the sentence of confinement – or sentence of imprisonment – I'm sorry, the sanction of imprisonment in the county jail of 30 days, and therefore, the motion for relief is denied." (R. 62-63). The court entered a written order denying the Rule 604(h)(2) motion for relief. (C. 40).

On October 15, 2024, Seymore filed a notice of appeal, using the form notice promulgated under Illinois Supreme Court Rule 606(d) (eff. Apr. 15, 2024). (C. 60-61). This Court's template only allowed Seymore to check one of the following three options to describe the "nature of order appealed," namely, an order: (1) denying pretrial release; (2) revoking pretrial release; or (3) imposing conditions of pretrial release. See Ill. S. Ct. Rs. Art. VI Forms Appendix R. 606(d). Seymore's counsel did not check these boxes and instead manually designed a fourth box, which he checked and named "sanctions." (C. 61).

B. Appellate Court Proceedings

On appeal, Seymore argued that the appellate court possessed jurisdiction

to review an imprisonment order, an exception to mootness doctrine applies, and that Seymore was entitled to day-for-day good-time credit. (Seymore memo. pp. 5, 7-15) (Exhibit B). Seymore argued that the appellate court possessed jurisdiction because the trial court's order requiring an immediate jail sentence was a final appealable order. (Seymore memo. pp. 7-8). Alternatively, he argued that the appellate court possessed jurisdiction pursuant to Rule 604(h)(1). (Seymore memo. pp. 8-9). The State filed a memorandum that only argued that the appellate court lacked jurisdiction under Rule 604(h)(1). (St. memo. pp. 2-3).

The appellate court issued a published opinion that held that it possessed jurisdiction, at least one mootness exception applied, and the trial court erred by finding the good-conduct credit did not apply to the 30-day sanction of imprisonment. *People v. Seymore*, 2025 IL App (2d) 240616, ¶¶ 12, 18, 24. The opinion noted that the State did not raise arguments contesting a mootness exception or address the argument that Seymore was entitled to day-for-day credit while serving his sanction. *Id.* ¶ 11.

The appellate court concluded that it possessed jurisdiction because a sanction order requiring a defendant to serve 30 days in the county jail "falls within Rule 604(h)'s enumerated bases for interlocutory appeal." *Id.* ¶ 12. The court concluded that a jail-term sanction "is at a minimum, an order revoking pretrial release, albeit temporarily, under Rule 604(h)(1)(ii)." *Id.* The court also found that Rule 604(h)(1)(I) also applied because it required a defendant to serve a jail-term sanction as a condition of release. *Id.* The opinion added that the 30-day sanctioning order was "effectively an order – albeit temporary order – denying pretrial release under

Illinois Supreme Court Rule 604(h)(1)(iii)." *Id.* The court noted that any defendant could appeal a "modification of the defendant's pretrial conditions," which "appears to fall squarely within an enumerated basis for appeal under Rule 604(h)(1)(i) (an order imposing conditions of pretrial release)." *Id.*

The appellate court concluded that *People v. Boose*, 2024 IL App (1st) 240031, was distinguishable because "Boose argued only one basis for her Rule 604(h) appeal (denial of pretrial release), which the court found inapplicable to the facts before it, the court did not analyze whether the order satisfied one of the alternative bases for a Rule 604(h) appeal." *Id.* ¶ 15. The court explained that, unlike the defendant in *Boose*, Seymore made multiple jurisdictional arguments and added "sanctions" to the notice of appeal. *Id.* ¶ 15.

The appellate court concluded that the question of whether good-time credit applies to a jail-sanction fulfills the public-interest mootness exception because the case presents a question of public importance, will likely recur, and the court's opinion will provide guidance to public officials. *Id.* ¶ 18. The court also held that the issue is also "capable of repetition, yet evading review, due to the short duration of a jail sanction." *Id.*

The appellate court held that due to the absence of an express "exception to good-conduct credit for pretrial release sanctions in either section 110-6 of the Code or the Behavior Allowance Act, we do not think the legislature intended to create one." *Id.* ¶ 22. The court held that while legislature modified the BAA when creating the Pretrial Fairness Act ("PFA"), the legislature did not create "section 110-6(f)(2) sanctions as a new, seventh exception to good-conduct credit

entitlement." *Id.*

C. State's Petition for Leave to Appeal

On February 24, 2025, the State filed a petition for leave to appeal that sought leave for the purpose of clarifying whether the appellate court possessed jurisdiction to review an "interlocutory" order imposing a jail-term sanction and whether the BAA,730 ILCS 130/3, applies to a 110-6(f)(2) jail sanction. (St. PLA pp. 1-2, 4-10). The State's petition urged this Court to "grant leave to appeal to resolve the conflict between the appellate court's opinion below and the First District's opinion in *Boose* . . ." (St. PLA p. 5). The petition further argued that section 130/3 does not allow for good-time credit against a jail term issued pursuant to sanction, stating that a "defendant sanctioned for violating the terms of pretrial release does not meet either provision of section 130/3: the defendant is neither serving the sentence for the charge offense nor 'currently serving sentence' for an offense for which the defendant was incarcerated prior to sentencing." (St. PLA. p. 6). The State argued that this Court's jurisdiction was necessary to clarify the law. (St. PLA. pp. 6-7). On March 25. 25, 2025, this Court granted the petition for leave to appeal.

The next pretrial hearing is set for July 17, 2025. Docket DeKalb County Case No. 2024 CF 499 , p. 4 (Exhibit A). Seymore has attended every court hearing either via an in-person appearance or via Zoom, and on February 20, 2025, the trial court granted a motion to remove electronic monitoring. Docket DeKalb County Case No. 2024 CF 499, pp. 1-4.

ARGUMENT

I. This Court should dismiss this appeal because the State failed to brief a threshold question from its petition for leave to appeal and, instead, raised new arguments for the first time in this Court.

Forfeiture rules apply to all parties appearing before this Court. *People v. Harris*, 2024 IL 129753, ¶ 63 (noting that forfeiture rules apply to the State and the defendant). When an appellant, including the State, fails to brief a threshold question from its own petition for leave to appeal ("PLA"), the issue is forfeited and this Court may dismiss the appeal. *People v. Collins*, 2022 IL 127584, ¶ 23 (dismissing State appeal when the State did not argue a threshold question from its PLA). Furthermore, an appellant forfeits an argument by not making that argument in the appellate court. *People v. Robinson*, 223 Ill. 2d 165, 174 (2006) (dismissing an appeal because an appellant forfeited an issue that was not presented in the appellate court).

Here, at least two instances of forfeiture warrant dismissal of this appeal. First, the State's brief did not address the PLA's main threshold question regarding whether the appellate court's opinion conflicted with *People v. Boose*, 2024 IL App (1st) 240031. The petition asked this Court "to resolve the conflict between the appellate court's opinion below and the First District's opinion in *Boose* . . ." (St. PLA. p. 5). Despite the State's PLA, the State's brief does not mention *Boose*. Since the State did not brief a threshold question or even mention *Boose*, the issue is forfeited and this Court should dismiss the appeal. *Collins*, 2022 IL 127584, ¶¶ 19-23.

Second, the State's appellate court memorandum did contest that Seymore was entitled to good-behavior credit . (St. memo. pp. 1-4). The appellate court noted that the State "forfeited any argument that defendant was not entitled to credit." *People v. Seymore*, 2025 IL App (2d) 240616 ¶ 19 (citing Ill. S. Ct. R. 341(h)(7)

In summary, dismissal of this appeal is appropriate because the State failed to raise the argument from its petition for leave to appeal regarding an appellate court conflict and the State's arguments regarding the application of good-behavior credit were not raised in the appellate court. While initial appellate review was required, this Court's review of this case is not presently necessary because, since the *Seymore* opinion, no Illinois court has issued an opinion addressing whether a defendant is entitled to good-behavior credit against a jail sanction or found that the appellate court does not possess jurisdiction to review a sanction order. The State has never appealed an award of good-behavior for a section 110-6(f)(2) jail sanction. Unless a clear appellate court controversy arises regarding the issues of appellate court jurisdiction and good-conduct credit, this Court should dismiss this appeal and respect the finality of the appellate court's decision. Therefore, this Court should apply forfeiture principles to dismiss the State's appeal. *Collins*, 2022 IL 127584, ¶ 23.; *Robinson,* 223 Ill. 2d at 174-75; *see also* Ill. S. Ct. R. 315.

II. The Appellate Court possessed jurisdiction to review an order immediately imposing a jail-term for a violation of a pretrial release order.

The State argues that Geoffrey Seymore had no right to appeal the trial court's order requiring him to serve a 30-day term in the county jail as a sanction for violating a pretrial release order. (St. Br. 7-17) The State's argument is not only contrary to the Illinois Constitution, the Pretrial Fairness Act ("PFA") and this Court's rules, but would leave a person without an appellate remedy for a trial court's unlawful order. *See, People v. Luebke*, 2025 IL App (5th) 241208-U, ¶¶ 17-19 (holding that the prospect of denying a remedy to a pretrial jail sanction, including a potential unlawful consecutive jail term, was unacceptable); *see also Haines v. People*, 97 Ill. 161, 168 (1880) ("Perilous indeed would be the condition of the citizen if he had not the privilege in such case to have it reviewed by another tribunal, and defective would be our jurisprudence if it afforded no means of relief.") This Court should affirm the appellate court's holding that it possessed jurisdiction because the trial court's order was either a final appealable judgment pursuant to article VI, section 6, of the Illinois Constitution of 1970 or an interlocutory order that is subject to review pursuant to paragraphs (i), (ii) and (iii) of Illinois Supreme Court Rule 604(h)(1).

Under the PFA, after a court's pretrial release order, the State may file a verified petition for a hearing for sanctions. 725 ILCS 5/110-6(d) (eff. Sept. 18, 2023). At a section 110-6(e) sanctions hearing, the State must provide "clear and convincing evidence" that the defendant committed an act that violated the terms of pretrial release, that the defendant "had actual knowledge that the defendant's

action would violate a court order; (3) the violation of the court order was willful; and (4) the violation was not caused by a lack of access to financial monetary resources." 725 ILCS 5/110-6(e) (2024). After the State meets its burden, subsection (f) provides that "sanctions" may include an admonishment by the court, "imprisonment in the county jail for a period not exceeding 30 days," or modification of pretrial release conditions. 725 ILCS 5/110-6(f) (2024).

This Court reviews *de novo* the legal question of whether the appellate court possessed jurisdiction to review a circuit order's order. *People v. Harris*, 2025 IL 130351, ¶ 26.

A. A trial court order's imposing an immediate and enforceable 30-day jail-term sentence is a final appealable order pursuant to Article VI, section 6, of the Illinois Constitution of 1970.

The trial court's September 13, 2024, sanction order under the PFA imposed a 30-day term of imprisonment on Seymore. (C. 27). The order was immediately enforced and concluded the proceedings on the State's petition for sanctions, without directly impacting the underlying criminal case. Thus, it was a final appealable order and the appellate court had jurisdiction to review it. Ill. Const. 1970, art. VI, § 6; *People ex rel. Scott v. Silverstein*, 87 Ill. 2d 167, 172 (1981) (hereinafter "*Scott*") (holding that the imposition of a contempt sanction was a final appealable order because it was independent of the case from which it arose); *Almgren* v. *Rush-Presbyterian-St. Luke's Med. Ctr.*, 162 Ill. 2d 205, 216 (1994) (holding that a sanctioning order imposing a $100 fine was a final appealable order because it was collateral to the underlying court proceeding from which it was arose).

In *Harris*, 2025 IL 130351, ¶ 28, this Court reaffirmed that "Article VI, section 6, of the Illinois Constitution of 1970 confers appellate court jurisdiction to review final judgments entered by the trial court." Section 6 states:

> Appeals from final judgments of a Circuit Court are a matter of right to the Appellate Court in the Judicial District in which the Circuit Court is located except in cases appealable directly to the Supreme Court and except that after a trial on the merits in a criminal case, there shall be no appeal from a judgment of acquittal. The Supreme Court may provide by rule for appeals to the Appellate Court from other than final judgments of Circuit Courts. The Appellate Court may exercise original jurisdiction when necessary to the complete determination of any case on review. The Appellate Court shall have such powers of direct review of administrative action as provided by law. Ill. Const. 1970, art. VI, § 6

Generally, "a final and appealable judgment is defined as one in which the trial court has determined the merits of the parties' claim, such that the only remaining action is to proceed with execution of the judgment." *In re Est. of French*, 166 Ill. 2d 95, 101 (1995).

The Illinois Constitution mandates appellate review of final orders. Ill. Const. 1970, art. VI, § 6. Prior to the PFA, case law established that final appealable orders stemming from pretrial proceedings include a jail sentence for contempt and even a bond forfeiture judgment. *Scott*, 87 Ill. 2d at 172; *People v. Albitar*, 374 Ill. App. 3d 718, 722-23 (1st Dist. 2007) (holding that although a bond forfeiture order was not an order to "set, modify, revoke, deny, or refuse to modify bail or a condition," the order was final appealable order).

Rule 304 addresses appeals from final judgments with subsection (b)(5) providing a clear right to appeal "an order finding a person or entity in contempt of court which imposes a monetary or other penalty." Ill. R. S. Ct. 304(b)(5). This

rule stems from the idea that the "imposition of a sanction for contempt is final and appealable because, although occurring within the context of another proceeding and thus having the appearance of being interlocutory, it is an original special proceeding, collateral to and independent of, the case in which the contempt arises." *Scott*, 87 Ill. 2d at 172; *see also* Commentary, Ill. R. S. Ct. 304(b)(5).

A section 110-6(f) jail sanction order is a final judgment, and subject to appellate review pursuant to the Illinois Constitution, because the court determines the merits of the State's petition for sanctions and the only remaining action is to enforce the jail term. *See* e.g., *In re L.W.*, 2016 IL App (3d) 160092,¶ 21 (holding a 179-day sentence of imprisonment for contempt became a final appealable order when the circuit lifted a stay, imposed the penalty, and enforced its judgment.) The 30-day jail sanction order here imposed upon Seymore was enforceable and concluded the proceedings on the sanctions petition, without impacting the underlying the criminal case. Therefore, regardless Rule 604(h)(1), the appellate court possessed jurisdiction to review the sanction order as a final judgment pursuant to the Illinois Constitution.

The State argues that while contempt procedures and section 110-6 sanction procedures share many similarities, differences in procedures and protections afforded in contempt cases makes contempt cases too distinguishable for a comparison here, and that a 110-6(f) sanction is not a final judgment. (St. Br. 22, 24-27). The State's arguments are incorrect because both contempt procedures and section 110-6 proceedings result in a final enforceable judgment that does not impact the outcome of the underlying case. *Supra*. pp. 15-17.

Moreover, section 110-6 sanction procedures and contempt procedures, specifically indirect criminal attempt procedures, employ nearly the same procedures to achieve the same result of punishing a person for violating a court order. Both procedures require notice of a potential sanction and require the trial court to hold a fair hearing with counsel. 725 ILCS 5/110-6(d)-(e); *People v. Lindsey*, 199 Ill. 2d 460, 471 (2002)("the alleged contemnor must be accorded notice and a fair hearing"). Both indirect criminal contempt procedures and section110-6(e) require the State to prove a willful violation of a court order. 725 ILCS 5/110-6(e); *In re Marriage of Baumgartner*, 2014 IL App (1st) 120552, ¶ 60 ("To be found in indirect criminal contempt requires '(1) the existence of a clear court order, and (2) the willful violation of that order."). The end result of both procedures may be a jail term. 725 ILCS 5/110-6(e); *Baumgartner*, 2014 IL App (1st) 120552, ¶ 60.

The similarities between criminal contempt and section 110-6 procedures establish that any order imposing an enforceable jail-term sanction should be treated the same, regardless of order's procedural origin. Additionally, the purpose of a section 110-6 sanction order and indirect criminal contempt order is to impose a punishment for a violation of a court order. *In re Marriage of Ruchala*, 208 Ill. App. 3d 971, 977 (2d Dist. 1991) (noting that a contempt order was punishment for not abiding by previous orders). Here, the 30-day sanction order was punishment for Seymore's violation of the pretrial GPS release order. (C. 28) (noting violation of electronic monitoring order). However, regardless of the sanction order's purpose, the jail sanction order was an immediately enforceable order and disposed of the State's petition for sanctions.

Just like an entry for a conviction or other judgment, the sanctions judgment here appears on the court docket as a "disposition" requiring Seymore to serve jail time. A September 13, 2024, docket entry states: "Disposition: Pretrial: Rev/Sanction for PTR - Cond Modified/Sanctions." (C. 73).

The 30-day jail sanction became a final judgment when the trial court rendered its decision and enforced its judgment by having Seymore serve his jail term. *See* e.g. *Randolph v. People*, 130 Ill. 533, 537 (1889) (holding that an order requiring a 20-day jail-term if a fine was not paid was an appealable order "[w]hether enforced in one way or the other, it is none the less a final decree."). Orders imposing less than 30 days in the county jail have been subject to appellate review. *See e.g., In re Marriage of Vanderpool*, 261 Ill. App. 3d 312, 314 (3rd Dist. 1994) (reviewing a one-day jail "sentence" for indirect criminal contempt)*; Int. of N.R.*, 172 Ill. App. 3d 14, 15 (4th Dist. 1988)(appellate court would review contempt order imposing 26 days in jail). Therefore, this Court should find unpersuasive the State's claims that a sanction order is not subject to appellate review as a final judgment due to its duration.

Appellate review ensures that a person's liberty interests are protected, uniform application of the law, and a trial court judge does not violate the law when ordering a person to prison. This Court should affirm the appellate court's decision because the trial court's order imposing and enforcing a fixed 30-day jail-term was a final judgment.

B. The Appellate Court also possessed jurisdiction to review the legality of the 30-day jail sanction pursuant to the Pretrial Fairness Act and Rule 604(h)(1).

The plain language and the intent of the Pretrial Fairness Act ("PFA") and Rule 604(h)(1), authorize an appeal of a trial court's imposition of a 30-day jail sanction order. To hold otherwise would violate due process and create conflict with Seymore's constitutional right to appeal. Ill. Const. 1970, art. VI, § 6. This Court possesses a duty, when possible, to harmonize constitutional provisions, Illinois Supreme Court Rules and statutes in a manner that avoids conflict. *See e.g. People v. Mayfield*, 2023 IL 128092, ¶ 30 ("If a statute conflicts with a rule of the judiciary, a court will seek to reconcile the legislation with the judicial rule, if reasonably possible."). This duty would apply if the sanctioning order is an "interlocutory" order rather than a "final" order.

When the PFA is read as a whole, it grants both defendants and the State broad rights to appeal decisions setting pretrial conditions, including the release of a defendant and the outright denial of pretrial release. See, generally, *People v. Casler*, 2020 IL 125117, ¶ 24 ("A court must view the statute as a whole, construing words and phrases in light of other relevant statutory provisions and not in isolation."). The PFA states that a defendant may appeal any order denying or revoking the defendant's pretrial release. 725 ILCS 5/110-6.1(j); 725 ILCS 5/110-6(a). The PFA expressly provides: "Rights of the defendant. The defendant shall be entitled to appeal any order entered under this Section denying his or her pretrial release." 725 ILCS 5/110-6.1(j).

The PFA provides that appeals of pretrial detention and release decisions "shall be governed by Supreme Court Rules," in 5/110-6.6(a), which also allows appeals of pretrial release orders. Rule 604(h)(1) provides:

> (h) Appeals From Orders Imposing Conditions of Pretrial Release, Granting or Denying a Petition to Deny Pretrial Release, or Revoking or Refusing to Revoke Pretrial Release.
>
> (1) Orders Appealable. An appeal may be taken to the Appellate Court from an interlocutory order of court entered under sections 110-5, 110-6, and 110-6.1 of the Code of Criminal Procedure of 1963 as follows:
>
> (i) by the State and by the defendant from an order imposing conditions of pretrial release;
>
> (ii) by the defendant from an order revoking pretrial release or by the State from an order denying a petition to revoke pretrial release;
>
> (iii) by the defendant from an order denying pretrial release; or
>
> (iv) by the State from an order denying a petition to deny pretrial release. Ill. S. Ct. R. 604(h)(1).

Because the PFA allows for appeals of orders revoking or denying pretrial release and Rule 604(h)(1) allows appeals of orders setting pretrial conditions or denying pretrial release, this Court should affirm the appellate court's ruling.

The appellate court correctly concluded that under paragraphs (i), (ii), and (iii) of Illinois Supreme Court Rule 604(h)(1), it possessed jurisdiction to review a circuit order imposing a sanction of imprisonment because "the sanctions order revoked pretrial release, modified the conditions of release, and denied pretrial release, albeit temporarily." *Seymore*, 2025 IL App (2d) 240616, ¶ 15.

First, the 30-day jail order imposes a condition, in the form of jail time, as a condition for obtaining pretrial release. Ill. S. Ct. R. 604(h)(1)(I). The trial

court's order made a jail-term sanction a pretrial condition. *Seymore*, 2025 IL App (2d) 240616, ¶ 12. The docket entry of "Rev/Sanction for PTR - Cond Modified/Sanctions" also shows that the trial court modified conditions. (C. 73)

The State relies on Merriam-Webster's definition of "condition" to claim that the PFA requires an "ongoing behavior requirement." (St. Br. 14). Merriam-Webster defines "Condition" as "(1): a premise upon which the fulfillment of an agreement depends," "(2): something essential to the appearance or occurrence of something else," "(3): a restricting or modifying factor," "(4): a state of being" and "(5): temper of mind."[2] Under this broad definition of "condition," the 30-day sanction "became a condition of continued release" since it required Seymore to serve jail time before trial to obtain his release. *Seymore*, 2025 IL App (2d) 240616, ¶ 12. The jail-term resulted in a "state of being" since it clearly required Seymore to be held in jail to obtain release. The trial court imposition of a 30-day jail-term was a pretrial condition under the plain and ordinary meaning of the word "condition."

Second, the imposition of a jail-term is an order temporarily revoking pretrial release until Seymore completes the jail-term. Ill. S. Ct. R. 604(h)(2)(ii). Prior to the sanctioning order, Seymore was not in jail, but after it, he was in jail. The State's argument that an order imposing a 30-day jail-term does not "revoke" pretrial release is contrary to the facts. (St. Br. 11-12). During the sanctions hearing, the trial court denied Seymore's request for pretrial release when it granted the State's

[2] Condition, Merriam-Webster Dictionary, https://www.merriam-webster.com/dictionary/condition, (last visited June 26, 2025).

petition for a 30-day jail sanction. (R. 12-13). The court revoked Seymore's pretrial release status and his liberty by requiring him to go to the county jail. Thus, the appellate court properly held the court's order granting the State's petition for sanctions and ordering a term of imprisonment is, "at a minimum, an order revoking pretrial release, albeit temporarily, under Rule 604(h)(1)(ii)." *Seymore*, 2025 IL App (2d) 240616, ¶12.

Third, when the trial court imposed the sanction, it denied Seymore's request for release without sanctions and, thus, the order is the equivalent of an "order denying pretrial release." Ill. S. Ct. R. 604(h)(2)(iii); (R. 11-12). The trial court denied defense counsel's request for Seymore's release. (St. Br. 4-5, 115-16). Defense counsel argued that Seymore should remain free and that the court could instead consider a modification of conditions as a possible sanction for a violation of pretrial release. (R. 11-12); 725 ILCS 5/110-6(f)(4). Counsel requested release to allow Seymore to get drug treatment. (R. 12-13). The State's contention that a denial of pretrial release only occurs during proceedings on the State's petition to detain under 725 ILCS 5/110-6.1(c), is inconsistent with the facts here. (St. Br. 15-16).

The State argues that a 30-day jail order is not the equivalent of an order denying pretrial release, revoking pretrial release, or modifying the conditions of pretrial release, by asserting that the purposes of the orders differ from a sanction order. (St. Br. 15-16). The State claims that the functions of those orders is to "to **retain** custody of defendants who are charged with certain serious offenses and who pose a clear threat of danger or flight that cannot be mitigated." (St. Br. 16) (emphasis added). The State's focus on the "purpose" of proceedings fails, because

the result is the same in that the trial court has ordered a defendant to jail. 725 ILCS 5/110-6(e).

While the State no longer questions the appellate court's interpretation of *People v. Boose*, 2024 IL App (1st) 240031, this Court should agree with the appellate court that *Boose* is inapplicable here. *Boose* is procedurally distinguishable because the defendant there filed a petition that asked for good behavior "credit against some *future* sentencing credit" while, here, Seymore has always argued for *immediate* application of credit to reduce the sanction jail-term sanction itself. *Boose*, 2024 IL App (1st) 240031, ¶ 3 (emphasis added). The *Boose* Court held that it did not have jurisdiction because a denial of a petition for credit is not one of the appealable orders under Rule 604(h)(2), nor is it authorized by statute. *Id.* ¶ 15. The court explained that Boose's petition for future sentencing credit was not ripe until a final sentencing hearing. *Id.* ¶ 16.

Unlike the defendant in *Boose*, Seymore challenged the final sanctioning order itself and he was not petitioning for future sentencing credit if convicted of the underlying criminal charges. (C. 36-37)). He argued for immediate application credit, as opposed to future sentencing credit. (C. 36-37).

The State's reliance on *People v. Luebke*, 2025 IL App (5th) 241208-U, to support a policy argument that allowing appeals from sanction orders would increase appeals is misplaced, where that opinion directly undermines the State's position. (St. Br. 11). While the *Luebke* Court noted that they were "mindful" of a possible increase in appeals, the majority concluded that a denial of a remedy overrode any hypothetical concerns about additional appeals. *Id.* ¶¶ 17-19. The Court

concluded that it possessed jurisdiction under Rule 604(1)(ii) because "[u]nlike the defendant in *Boose*, the defendant in this matter does not have an alternative remedy that he can pursue later." *Id.* ¶ 19.

This Court should interpret the Illinois Constitution's appellate jurisdiction clause, the PFA, and its rules in a manner that would ensure appellate review. Without such a holding, defendants would not have access to a remedy for an unlawful sanctioning order imposing incarceration. *See, Luebke*, 2025 IL App (5th) 241208-U, ¶ 19. Prior to the PFA, Illinois appellate courts possessed wide jurisdiction to address "pleas for freedom" from bond decisions. *People v. Beaty,* 351 Ill. App. 3d 717, 723 (5th Dist. 2004). The PFA's express mention of a right to appeal was meant to facilitate appellate review as a mechanism of not only protecting the liberty interests of persons and the interests of the government, but to ensure uniform and consistent application of the PFA throughout Illinois courts. 725 ILCS 5/110-6.1(j); 725 ILCS 5/110-6(a). Notably, a person must serve a jail-term sanction, even if the trial court dismisses the underlying criminal charges for whatever reason, or if the person is found not guilty. 725 ILCS 5/110-6(f)(2). Thus, appellate review is necessary to protect a defendant's liberty and due process interests

In summary, the appellate court below possessed jurisdiction to review an order imposing a 30-day jail-term because the order as a final judgment pursuant to section 6 of article 6 of the Illinois Constitution or an appealable order under Rule 604(h)(1). Therefore, this Court should affirm the appellate court's decision or dismiss the State's appeal.

III. A jail sanction for a violation of a pretrial order is subject to good behavior credit reduction because the plain language of the County Jail Good Behavior Allowance Act does not expressly exempt it, and the common law establishes that a court ordered jail-term "sanction" is a sentence.

The State argues that good behavior credit should not apply to a court-ordered 30-day jail-term sanction for a violation of a pretrial order by asserting that the jail-term punishment is "not a sentence." (St. Br. 19-23). The State is incorrect, because the fixed jail-term is a sentence that was punishment for failing to comply with a pretrial order. The State's arguments are unpersuasive because a section 725 ILCS 5/110-6(f)(2) jail sanction is not one of the six express exceptions to the allowance of good time credit in the County Jail Good Behavior Allowance Act ("BAA") in 730 ILCS 130/3. *People v. Seymore*, 2025 IL App (2d) 240616, ¶¶ 20-22; *see also Kaeding v. Collins*, 281 Ill. App. 3d 919, 928 (2d Dist.1996) ("Plaintiff was sentenced for direct criminal contempt, and, as none of the exceptions enumerated in the [Behavior Allowance] Act apply, he must be accorded day-for-day good-behavior allowance. . .").

Whether a statute entitles a defendant to sentencing credit and whether a court imposed a sanction that was unauthorized by statute are both questions of statutory interpretation, which this Court reviews *de novo*. *People v. Robinson*, 172 Ill. 2d 452, 457 (1996); *People v. Taylor*, 2023 IL 128316, ¶ 45.

The main rule of statutory interpretation is to give effect to legislative intent. *People v. Woods*, 193 Ill. 2d 483, 487 (2000). Generally, the best evidence of

legislative intent is the plain language of the statute. *Id.* In construing the statute, a court may consider the purpose and objective of a statute. *Id.* "Where that language is clear and unambiguous, [this Court] must apply the statute without further aids of statutory construction." *People v. Robinson*, 172 Ill. 2d 452, 457 (1996). Notably, "as a general matter, any ambiguities in a criminal statute must be resolved in favor of the defendant." *Id.* Here, Seymore's receipt of good behavior credit against his pretrial jail sanction is consistent with the plain language and legislative intent of the BAA and the PFA.

Section 3 of the BAA provides that the good behavior of someone "who commences a sentence of confinement in a county jail for a fixed term of imprisonment after January 1, 1987 shall entitle such person to a good behavior allowance" unless one of six exceptions apply. 730 ILCS 130/3. The legislature's express exceptions apply to persons who: (1) inflicted physical harm upon another in committing the offense for which he is confined; (2) are serving a mandatory minimum sentence; (3) are sentenced to a county impact incarceration program; (4) are convicted of criminal sexual assault, criminal sexual abuse, or aggravated criminal sexual abuse; (5) are sentenced for a felony to probation or conditional discharge, where the condition is to serve a sentence of periodic imprisonment; or (6) are sentenced under an order of court for "civil contempt." 730 ILCS 130/3; *see also Kaeding v. Collins*, 281 Ill. App. 3d 919, 928 (2d Dist. 1996) (noting exceptions in the 1992 version of the BAA).

While section 3 of the BAA contains an express exception for sentences for *civil* contempt and other situations, it contains no express exception for a jail term

served as a section 110-6 jail sanction or for criminal contempt. Well-established case law from contempt cases establishes that the absence of an exception "indicates the legislature viewed this offense as one which should have the opportunity to receive good time for good behavior while in jail." *People v. Russell*, 237 Ill. App. 3d 310, 314-15 (4th Dist. 1992)(defendant entitled to good-behavior credit for criminal contempt sanctions served in a county jail).

In *Kaeding*, 281 Ill. App 3d at 928, the court held that the defendant was "sentenced for direct criminal contempt, and, as none of the exceptions enumerated in the Act apply, he must be accorded day-for-day good-behavior allowance on each of the sentences imposed by the trial court." Likewise, Seymore was sentenced to a jail sanction for violating the terms of a pretrial release order and such a violation is not an expressed exception in section 3. Thus, like the contempt order in *Kaeding*, the sanctions order here is subject to good-behavior credit.

The legislature was fully aware of the interaction between the BAA and the PFA, but chose not to enact an express exception to good-behavior credit for PFA sanctions. *Seymore*, 2025 IL App (2d) 240616, ¶ 22; *see also State v. Chardon*, 449 P.3d 1224, 1229 (Kan. Ct. App. 2019) ("The Legislature knew how to exempt the 60-day jail sanction from jail time credit, but did not do so.") When the legislature created the PFA, it amended section 3 of BAA to change the language from "post bail" to "unable to comply with conditions of pretrial release" so that the language of the statute comported with the PFA. Pub. Act 101-652, § 10-295 (eff. Jan. 1, 2023) (amending 730 ILCS 130/3). The legislature had the opportunity and knowledge at that time to create an express and clear exception to good-behavior

allowance for a section 110-6(f)(2) jail-term and chose not to. Therefore, this Court should decline to add an exception that the legislature did not express.

The State argues that section 3 of the BAA only applies "upon conviction," (St. Br. 19, 22- 23), but the phrase "upon conviction" is not in Section 3. 730 ILCS 130/3. The plain and ordinary language of the BAA does not restrict the receipt of good-behavior credit to defendants who are ultimately convicted, and, thus, the statute contemplates the receipt of good-conduct credit against a pretrial jail sanction. "[W]hen the statutory language is clear and unambiguous, it must be construed as written, without reading in exceptions, conditions, or limitations not expressed by the legislature." *In re Craig H.*, 2022 IL 126256, ¶ 25.

Furthermore, the State overlooks that the legislature will utilize the word "conviction" when it intends for that to be a requirement. For example, the PFA states that the phrase "for which a sentence of imprisonment, without conditional and revocable release, shall be imposed by law *as a consequence of conviction*" means "an offense for which a sentence of imprisonment in the Department of Corrections, without probation, periodic imprisonment or conditional discharge, is required by law upon conviction." 725 ILCS 5/110-1(c) (emphasis added). However, the legislature chose not add the requirements of "upon conviction" or as a "consequence of conviction" to Section 3 of the BAA.

Moreover, the legislature is presumed to have been aware of judicial decisions interpreting the statute and to have acted with this knowledge. *Bruno v. Alexian Brothers Hospital*, 178 Ill. 2d 445, 458 (1997). The legislature was, thus, aware that under decisions such as *Russell* and *Kaeding*, that the right to good-behavior

credit in the BAA would apply to a jail-term sanction, unless the legislature created an express exception. This Court should decline the State's attempt to have this Court amend the BAA without the legislative branch's approval. *See, In the Interest of N.R.*, 172 Ill. App. 3d 14, 16 (4th Dist. 1988)(holding that the legislature, not the courts, decide good-behavior allowance and exception to earning it).

Contrary to the State's assertion, the sanction here was a 30-day jail-term and, thus, this sentence was subject to the BAA. The trial court's conclusion that a jail-term imposed for a violation of pretrial release was a "sanction" and not akin to "sentence of confinement" is contrary to numerous court opinions that generally recognize that a jail "sentence" is a type of "sanction." *See Seymore*, 2025 IL App (2d) 240616, ¶ 21; *People v. Bailey*, 235 Ill. App. 3d 1, 4 (4th Dist. 1992); *see also, In re Marriage of Levinson*, 2013 IL App (1st) 121696, ¶ 58 ("The purpose of the circuit court imposing *sanction*s, i.e., an indefinite and continuing fine and/or jail *sentence*. . . ") (emphases added); *In re Marriage of Vanderpool*, 261 Ill. App. 3d 312, 314 (3rd Dist. 1994)(holding a one-day jail "sentence" was an indirect criminal contempt "sanction" that required due process protections). Here, the appellate court properly found that the jail sanction was a sentence.

The trial court's ruling below evinced that the terms "sanction" and "sentence" are interchangeable in reality. The judge said, "So based on my plain reading of this section 5/110-6, I find that the defendant is not entitled to any good conduct credit for the *sentence of confinement – or sentence of imprisonment* – I'm sorry, the sanction of imprisonment in the county jail of 30 days, and therefore, the motion for relief is denied." (R. 62-63) (emphasis added). The trial court's own words

demonstrate that the State's argument that a 30-day jail-term sanction is not a "sentence" ignores the result that this punishment revoked Seymore's liberty. See *e.g.*. *Chardon*, 449 P.3d at 1229 ("The State contends that these 60-day sanctions are not a sentence of confinement, thus, ignoring the fact that the defendant is locked up in jail for 60 days.").

Further, since the legislature maintained the first paragraph of Section 3 of the BAA when it recently amended the statute, *see* § 10-295, P.A. 101-652, this Court should continue to hold that a jail-term sanction is a sentence. 5 ILCS 70/2 ("Any provisions of any statute, so far as they are the same as those of any prior statute, shall be construed as a continuation of such prior provisions, and not as a new enactment."). A section 110-6(f)(2) jail sanction is an example of a sentence that may not result in a formal conviction. While the State claims that some Illinois statutes support an argument that a "sentence" always requires a conviction (St. Br. 22), the State overlooks that other statutes allow for the imposition of a "sentence" without entering a formal conviction, including under the first offenders provisions in the Cannabis Control Act (720 ILCS 550/10(a) (2025)) and the Controlled Substances Act (720 ILCS 570/410 (a) (2025)); the Probation statute (720 ILCS 646/70(a) (2025)), and the Second Chance Probation statute (730 ILCS 5/5-6-3.4 (a) (2025)). These statutes show that legislature recognizes that a court may impose a "sentence" without a formal conviction.

Just as Illinois statutes do not always require a "conviction" for a "sentence," one of Merriam-Webster dictionary's two definitions of a "sentencing judgment"

provides that a "sentence" is a "punishment so imposed."[3] The State relies on the definition of "sentence" from *Black's Law Dictionary*, stating that a "sentence is a "[t]he judgment that a court formally pronounces after finding a criminal defendant guilty." (St. Br. 20). The State also relies on 730 ILCS 5/5-1-19 of the Code of Corrections, and selective cases that state that a "sentence" is the disposition imposed on a convicted defendant.(St. Br. 20). The State misplaces reliance on these sources because the legislature has chosen not to incorporate these definitions into the BAA. 730 ILCS 130/2. Since these limiting definitions of "sentence" are not in the BAA, this Court should decline to add them to the statute.

Moreover, the State's sources also show the ambiguity and the flexibility of the term "sentence." For example, *Black's Law Dictionary* definition of sentence also states that "sentence" means "the punishment imposed on a criminal wrongdoer." Sentence. *Black's Law Dictionary* (12th ed. 2024). Here, Seymore was punished for disobeying a court order and any ambiguity in the meaning of "sentence" in the BAA should be interpreted in Seymore's favor because it a criminal statute. *Robinson*, 172 Ill. 2d at 457 ("any ambiguities in a criminal statute must be resolved in favor of the defendant."); *see also, In re Detention of Powell*, 217 Ill. 2d 123, 142 (2005) (holding that under the rule of lenity, any ambiguity in a criminal statute must be resolved in favor of the defendant).

The appellate court correctly concluded that, for all intents and purposes, the circuit imposed a "sentence" when it ordered a 30-day jail sanction. When

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[3] Merriam-Webster Dictionary, Sentence, https://www.merriam-webster.com/dictionary/sentence (Last retrieved June 26, 2025))

a court imposes incarceration as a sanction for criminal contempt or civil contempt, appellate courts have generally opined that the resulting jail "sanction" is a "sentence." *See People v. Bailey*, 235 Ill. App. 3d 1, 4 (4th Dist. 1992) (explaining the differences between purpose of jail "sentences" imposed as "sanctions" for criminal and civil contempt); *see also, In re Marriage of Levinson*, 2013 IL App (1st) 121696, ¶ 58 ; *In re Marriage of Vanderpool*, 261 Ill. App. 3d at 314. Here, the appellate court properly found that the jail sanction was a sentence.

A conclusion that a person such as Seymore, who is ordered to serve a 30-day jail sanction cannot immediately receive good-behavior credit is contrary to the intent of the proportionate penalties clause, the BAA, and the PFA, because there is an immediate need to improve that person's behavior when that person will be released in the near future. Under article I, section 11 of the Illinois Constitution, commonly known as the proportionate penalties clause, "All penalties shall be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship." Ill. Const. 1970, art. I, § 11. The general statutory right to good-time credit promotes the constitutional goal of restoring persons to useful citizenship. *People v. Kolzow*, 319 Ill. App. 3d 673, 679 (1st Dist. 2001). Good behavior shows "that a person has changed and learned to conform his or her conduct to a set of rules." *People v. Dorsey*, 2021 IL 123010, ¶ 63. The State's logic would deprive courts and jailers of providing an immediate positive incentive to change the person's behavior, even though the defendant will be released from jail within a month. *See Dorsey*, 2021 IL 123010, ¶ 63. "When a proffered reading of a statute leads to absurd results or results that the legislature

could not have intended, courts are not bound to that construction, and the reading leading to absurdity should be rejected." *Dawkins v. Fitness Int'l, LLC*, 2022 IL 127561, ¶ 27; *see also People v. Wells*, 2023 IL 127169, ¶ 31 (noting that this Court must presume the legislature did not intend absurdity).

Seymore's violation of a court order occurred because he went to a location outside his home. (C. 25).He did not violate a pretrial injunction or a no-contact order. The State has no evidence that his violation of the GPS order harmed anyone. He did not disrupt court proceedings or disparage a judge. Given that Seymore's violation was minor when compared to other conduct that could result in a contempt finding or a criminal violation, it would be absurd to conclude that the legislature intended that he should not receive credit to reduce his jail-term. This Court should decline to follow the State's interpretation of the BAA. The BAA's lack of an express exception for a section 110-6(f)(2) sanction demonstrates that the State's interpretation conflicts with the legislature's intent and would lead to absurd results.

As the appellate court below noted, "the State did not address this issue in its memorandum, and it has, accordingly, forfeited any argument that defendant was not entitled to credit." *Seymore*, 2025 IL App (2d) 240616, ¶ 19 (citing Ill. S. Ct. R. 341(h)(7). An appellant forfeits an argument by not making that argument in the appellate court. *People v. Robinson*, 223 Ill. 2d 165, 174 (2006) (dismissing an appeal because appellant forfeited an issue when raising arguments that were not presented in the appellate court). This Court should decline to excuse the State's forfeiture because a decision to dismiss this State appeal will encourage the

government to present all arguments in the appellate court.

If this Court reaches the merits, it should affirm the appellate court's decision by holding that the appellate court possessed jurisdiction and that Seymore was entitled to a good behavior allowance to immediately reduce his jail-term, pursuant to the plain language and legislative intent of the BAA and the PFA. The legislature chose not to create a good-time exemption for a section 110-6(f)(2) jail sanction. Therefore, if this Court chooses not to dismiss this appeal, *supra*. Issue I, pp. 12-13, it should affirm the appellate court's judgment by holding that it possessed jurisdiction and that Seymore was entitled to 15 days of credit against his 30-day jail sanction.

CONCLUSION

For the foregoing reasons, Geoffrey Seymore, Defendant-Appellee, respectfully requests that this Court either dismiss the State's petition for leave to appeal (*see* Argument I, *supra*), or affirm the appellate court's judgment and hold that appellate court possesses jurisdiction to review a sanctions order and that Seymore is entitled to fifteen days of credit against his sanction of thirty days in the county jail pursuant to the County Jail Good Behavior Allowance Act (*see* Argument II-III, *supra*).

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages or words contained in the Rule 341(d) cover, the Rule 341(h)(1) table of contents and statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342, is 36 pages

/s/ Samuel B. Steinberg
SAMUEL B. STEINBERG
Assistant Appellate Defender

SUPPLEMENTAL APPENDIX TO THE BRIEF

TABLE OF CONTENTS OF SUPPLEMENTAL APPENDIX

Ex. A. Docket from DeKalb County Case Number 2024 CF 499

COURT DOCKET - DEKALB COUNTY CIRCUIT CLERK PAGE: 1
Case: 2024CF000499 vs SEYMORE GEOFFREY P DATE: 2025-06-17
Type: Criminal Felony Judge: HON JOSEPH PEDERSEN Jury Trial: TIME: 12.08.20
From: 00/00/0000 To: 99/99/9999 All Case Entries First Date First View
Filed: 9/09/2024 Status: Pre-trial on 9/09/2024

	CASE PARTICIPANTS NAMES	ATTORNEYS
Def	SEYMORE GEOFFREY P	CRISWELL CHARLES (CH
COM	KLEINMAIER AARON	
AGY	DEKALB POLICE DEPARTMENT	

DATE

09/09/2024 Charge 01 Count 001 AGG METH MANU/WORSHIP/< 15 GR Sep 07,2024
Defendant SEYMORE GEOFFREY P
Statute 720 646/15(b)(1)(H) Class X Orig.
Agency: DEKALB POLICE DEPARTMENT Charge Instr: Indictment
09/09/2024 Detained Defendant SEYMORE GEOFFREY P
PLEA SETTING Sep 09,2024 01:00PM Rm63 Canceled
09/09/2024 Charge 02 Count 002 POSSESSION OF METH< 5 GRAMS Sep 07,2024
Defendant SEYMORE GEOFFREY P
Statute 720 646/60(a) Class 3 Orig.
Agency: DEKALB POLICE DEPARTMENT Charge Instr: Indictment
09/09/2024 Detained Defendant SEYMORE GEOFFREY P
PLEA SETTING Sep 09,2024 01:00PM Rm63 Canceled
09/09/2024 Charge 03 Count 003 METH DELIVERY< 5 GRAMS Sep 07,2024
Defendant SEYMORE GEOFFREY P
Statute 720 646/55(a)(1) Class 2 Orig.
Agency: DEKALB POLICE DEPARTMENT Charge Instr: Indictment
09/09/2024 Detained Defendant SEYMORE GEOFFREY P
PLEA SETTING Sep 09,2024 01:00PM Rm63 Canceled
09/09/2024 Written Gerstein Filed
09/09/2024 Verified Petition to Deny Defendant's Pretrial Release, Fld
09/09/2024 Disposition 01/00 Count 001 No Fine & Cost Signed
Judge HON JOSEPH PEDERSEN Asst States Attorney ASA 3 STATE ILCS
Disposition: Pretrial: Petition to Detain Filed AGG METH MANU/WORSHIP/
Disposition Type: Pretrial Services Defendant Plea: No Plea Entered
Statute 720 646/15(b)(1)(H) Class X
Sentence: 09/09/2024
09/09/2024 Disposition 02/00 Count 002 No Fine & Cost Signed
Judge HON JOSEPH PEDERSEN Asst States Attorney ASA 3 STATE ILCS
Disposition: Pretrial: Petition to Detain Filed POSSESSION OF METH< 5
Disposition Type: Pretrial Services Defendant Plea: No Plea Entered
Statute 720 646/60(a) Class 3
Sentence: 09/09/2024
Status:Pre-trial Sep 09,2024
09/09/2024 Disposition 03/00 Count 003 No Fine & Cost Signed
Judge HON JOSEPH PEDERSEN Asst States Attorney ASA 3 STATE ILCS
Disposition: Pretrial: Petition to Detain Filed METH DELIVERY< 5 GRAMS
Disposition Type: Pretrial Services Defendant Plea: No Plea Entered
Statute 720 646/55(a)(1) Class 2
Sentence: 09/09/2024
09/09/2024 Defendant present in court via close circuit video, filed
asa mceachern; rep criswell; judge pedersen
09/09/2024 Attorney present in open court
09/09/2024 Court Reporter - Court Reporter Specialist
09/09/2024 Order - Pretrial Release, Filed
09/09/2024 Pretrial Supervision Order, Filed
09/09/2024 Order electronic home monitoring, filed
Judge:HON JOSEPH PEDERSEN Clerk:MM1 M
09/09/2024 Order - Initial Appearance, Filed
ARRAIGNMENT Oct 10,2024 02:00PM Rm63 Judge HON JOSEPH PEDERSEN
09/09/2024 Order appoint public defender, filed
Judge:HON JOSEPH PEDERSEN Clerk:MM1 M

COURT DOCKET - DEKALB COUNTY CIRCUIT CLERK PAGE: 2
Case: 2024CF000499 vs SEYMORE GEOFFREY P DATE: 2025-06-17
Type: Criminal Felony Judge: HON JOSEPH PEDERSEN Jury Trial: TIME: 12.08.20
From: 00/00/0000 To: 99/99/9999 All Case Entries First Date First View
Filed: 9/09/2024 Status: Pre-trial on 9/09/2024

DATE	
09/09/2024	Defendant Not Detained
09/09/2024	Defendants rights and penalties explained, filed Judge:HON JOSEPH PEDERSEN Clerk:MM1 M
09/09/2024	In absentia explained Judge:HON JOSEPH PEDERSEN Clerk:MM1 M
09/09/2024	Disposition 01/01 Count 001 No Fine & Cost Signed Judge HON JOSEPH PEDERSEN Asst States Attorney ASA 3 STATE ILCS Disposition: Pretrial: Initial Appearance Hearing AGG METH MANU/WORSHI Disposition Type: Pretrial Services Defendant Plea: No Plea Entered Statute 720 646/15(b)(1)(H) Class X Sentence: 09/09/2024 Sentence: Pretrial Release Order: Special Cond, Pretrial Supervision Sentence: Pretrial Release: Electronic Monitoring Sentence In Force No Fine & Cost .00
09/09/2024	Disposition 02/01 Count 002 No Fine & Cost Signed Judge HON JOSEPH PEDERSEN Asst States Attorney ASA 3 STATE ILCS Disposition: Pretrial: Initial Appearance Hearing POSSESSION OF METH< Disposition Type: Pretrial Services Defendant Plea: No Plea Entered Statute 720 646/60(a) Class 3 Sentence: 09/09/2024 Sentence: Pretrial Release Order: Special Cond, Pretrial Supervision Sentence: Pretrial Release: Electronic Monitoring Sentence In Force No Fine & Cost .00
09/09/2024	Disposition 03/01 Count 003 No Fine & Cost Signed Judge HON JOSEPH PEDERSEN Asst States Attorney ASA 3 STATE ILCS Disposition: Pretrial: Initial Appearance Hearing METH DELIVERY< 5 GRA Disposition Type: Pretrial Services Defendant Plea: No Plea Entered Statute 720 646/55(a)(1) Class 2 Sentence: 09/09/2024 Sentence: Pretrial Release Order: Special Cond, Pretrial Supervision Sentence: Pretrial Release: Electronic Monitoring Sentence In Force No Fine & Cost .00
09/09/2024	Detention hearing held denied after hearing
09/09/2024	Order grant pretrial release Judge:HON JOSEPH PEDERSEN Clerk:ELW M
09/11/2024	Electronic Monitoring Violation Report, filed
09/12/2024	States Petition for Sanctions - Pretrial Release, Filed
09/12/2024	ADR Record Sent SPT Defendant SEYMORE GEOFFREY P
09/12/2024	ADR Record Sent SPT Defendant SEYMORE GEOFFREY P
09/12/2024	ADR Record Sent SPT Defendant SEYMORE GEOFFREY P
09/12/2024	ADR Record Sent SPT Defendant SEYMORE GEOFFREY P
09/12/2024	ADR Record Sent SPT Defendant SEYMORE GEOFFREY P
09/12/2024	ADR Record Sent SPT Defendant SEYMORE GEOFFREY P
09/12/2024	Defendant present in court via close circuit video, filed Asa Darsie; Rep Wilson; Judge Pedersen
09/12/2024	Attorney present in open court
09/12/2024	Court Reporter - Court Reporter Specialist
09/12/2024	Order - Mittimus Remanding Custody, Filed HEARING Sep 13,2024 10:30AM Rm63 Judge HON JOSEPH PEDERSEN
09/13/2024	Court Reporter - Court Reporter Specialist
09/13/2024	Defendant present in court via close circuit video, filed rep gibbs; asa mceachern; judge pedersen ARRAIGNMENT Oct 10,2024 02:00PM Rm63 Judge HON JOSEPH PEDERSEN Judge:HON JOSEPH PEDERSEN Clerk:ELW M
09/13/2024	Order - Mittimus Remanding Custody, Filed

DATE

30day sanction
09/13/2024 Pretrial Sanctions Hearing Order, Filed
granted
09/13/2024 Disposition 01/02 Count 001 No Fine & Cost Signed
Judge HON JOSEPH PEDERSEN Asst States Attorney ASA 3 STATE ILCS
Disposition: Pretrial: Rev/Sanction for PTR - Cond Modified/Sanctions
Disposition Type: Pretrial Services Defendant Plea: No Plea Entered
Statute 720 646/15(b)(1)(H) Class X
Sentence: 09/13/2024
09/13/2024 Disposition 02/02 Count 002 No Fine & Cost Signed
Judge HON JOSEPH PEDERSEN Asst States Attorney ASA 3 STATE ILCS
Disposition: Pretrial: Rev/Sanction for PTR - Cond Modified/Sanctions
Disposition Type: Pretrial Services Defendant Plea: No Plea Entered
Statute 720 646/60(a) Class 3
Sentence: 09/13/2024
09/13/2024 Disposition 03/02 Count 003 No Fine & Cost Signed
Judge HON JOSEPH PEDERSEN Asst States Attorney ASA 3 STATE ILCS
Disposition: Pretrial: Rev/Sanction for PTR - Cond Modified/Sanctions
Disposition Type: Pretrial Services Defendant Plea: No Plea Entered
Statute 720 646/55(a)(1) Class 2
Sentence: 09/13/2024
09/16/2024 ADR Record Sent SPT Defendant SEYMORE GEOFFREY P
09/16/2024 ADR Record Sent SPT Defendant SEYMORE GEOFFREY P
09/16/2024 ADR Record Sent SPT Defendant SEYMORE GEOFFREY P
09/16/2024 Motion for discovery, filed
Judge:HON JOSEPH PEDERSEN Clerk:TJD M
09/16/2024 Appearance, filed
09/16/2024 Disclosure statement, filed
Judge:HON JOSEPH PEDERSEN Clerk:TJD M
09/16/2024 Notice of Invocation of Counsel, filed
09/16/2024 Speedy trial demand, filed
Judge:HON JOSEPH PEDERSEN Clerk:TJD M
09/19/2024 Notice of motion, filed
MOTION/PETITION HEARING Sep 26,2024 01:30PM Rm63
Judge HON JOSEPH PEDERSEN
Judge:HON JOSEPH PEDERSEN Clerk:TJD M
09/19/2024 Motion for relief
Judge:HON JOSEPH PEDERSEN Clerk:TJD M
09/26/2024 Pre Trial Services Status Report; filed
09/26/2024 Defendant present via Zoom
rep criswell; asa locke; judge pedersen
STATUS HEARING Oct 10,2024 02:00PM Rm63 Judge HON JOSEPH PEDERSEN
09/26/2024 Court Reporter - Court Reporter Specialist
09/26/2024 Order for Continuance, filed
09/26/2024 Order deny motion petition request defendants motion for relief
10/01/2024 Report
COSSUP
10/04/2024 Grand Jury Indictment, filed
10/09/2024 Notice of filing, filed
Judge:HON JOSEPH PEDERSEN Clerk:EP1 M
10/09/2024 Motion for disclosure, filed
Judge:HON JOSEPH PEDERSEN Clerk:EP1 M
10/09/2024 Discovery, filed
Judge:HON JOSEPH PEDERSEN Clerk:EP1 M
10/10/2024 Defendant present in open court
Asa Locke; Rep Franklin for Criswell; Judge Pedersen

COURT DOCKET - DEKALB COUNTY CIRCUIT CLERK PAGE: 4
Case: 2024CF000499 vs SEYMORE GEOFFREY P DATE: 2025-06-17
Type: Criminal Felony Judge: HON JOSEPH PEDERSEN Jury Trial: TIME: 12.08.20
From: 00/00/0000 To: 99/99/9999 All Case Entries First Date First View
Filed: 9/09/2024 Status: Pre-trial on 9/09/2024

DATE	
10/10/2024	Attorney present in open court
10/10/2024	Court Reporter - Court Reporter Specialist
10/10/2024	Order for Continuance, filed ARRAIGNMENT Nov 14,2024 02:00PM Rm63 Judge HON JOSEPH PEDERSEN
10/15/2024	Order appoint appellate defender, filed Judge:HON JOSEPH PEDERSEN Clerk:LLB M
10/15/2024	Notice of filing, filed Judge:HON JOSEPH PEDERSEN Clerk:LLB M
10/15/2024	Appeal notice, filed Judge:HON JOSEPH PEDERSEN Clerk:LLB M
10/15/2024	Proof of service, filed Judge:HON JOSEPH PEDERSEN Clerk:LLB M
10/16/2024	Pre Trial Services Status Report; filed
10/16/2024	Order grant release to cossup Judge:HON JOSEPH PEDERSEN Clerk:ELW M
10/31/2024	09.09.24 TRANSCRIPT
10/31/2024	09.12.24 TRANSCRIPT
10/31/2024	09.13.24 TRANSCRIPT
10/31/2024	09.26.24 TRANSCRIPT
10/31/2024	10.10.24 TRANSCRIPT
11/08/2024	Adult Status Report, filed COSSUP
11/14/2024	Court Reporter - Court Reporter Specialist
11/14/2024	Defendant arraigned this date, filed Judge:HON JOSEPH PEDERSEN Clerk:ELW M
11/14/2024	Defendants rights and penalties explained, filed Judge:HON JOSEPH PEDERSEN Clerk:ELW M
11/14/2024	Defendant present via Zoom rep criswell; asa rude; judge pedersen STATUS HEARING Dec 19,2024 02:00PM Rm63 Judge HON JOSEPH PEDERSEN
11/14/2024	Order for Continuance, filed
12/19/2024	Defendant present via Zoom rep criswell; asa locke; judge pedersen STATUS HEARING Jan 16,2025 02:00PM Rm63 Judge HON JOSEPH PEDERSEN
12/19/2024	Court Reporter - Court Reporter Specialist
12/19/2024	Order for Continuance, filed
01/16/2025	Defendant present via Zoom rep criswell; asa locke; judge pedersen STATUS HEARING Feb 20,2025 02:00PM Rm63 Judge HON JOSEPH PEDERSEN
01/16/2025	Court Reporter - Court Reporter Specialist
01/16/2025	Order for Continuance, filed
02/20/2025	Defendant present via Zoom asa Locke, rep Criswell, judge Pedersen
02/20/2025	Attorney present in open court
02/20/2025	Court Reporter - Court Reporter Specialist
02/20/2025	Order for Continuance, filed STATUS HEARING Apr 17,2025 02:00PM Rm63 Judge HON JOSEPH PEDERSEN
02/20/2025	Order grant motion to remove EHM Granted Judge:HON JOSEPH PEDERSEN Clerk:STl M
04/17/2025	Court Reporter - Court Reporter Specialist
04/17/2025	Defendant present via Zoom REP CRISWELL; ASA LOCKE; JUDGE JP STATUS HEARING May 29,2025 02:00PM Rm63 Judge HON JOSEPH PEDERSEN
04/17/2025	Order for Continuance, filed
05/29/2025	Defendant present via Zoom

COURT DOCKET - DEKALB COUNTY CIRCUIT CLERK PAGE: 5
Case: 2024CF000499 vs SEYMORE GEOFFREY P DATE: 2025-06-17
Type: Criminal Felony Judge: HON JOSEPH PEDERSEN Jury Trial: TIME: 12.08.20
From: 00/00/0000 To: 99/99/9999 All Case Entries First Date First View
Filed: 9/09/2024 Status: Pre-trial on 9/09/2024

DATE	
	Asa Locke; Rep Criswell; Judge Pedersen
05/29/2025	Attorney present in open court
05/29/2025	Court Reporter - Court Reporter Specialist
05/29/2025	Order for Continuance, filed
	STATUS HEARING Jul 17,2025 02:00PM Rm63 Judge HON JOSEPH PEDERSEN

Ex. B. Geoffrey Seymore's Appellate Court Memorandum

2-24-0616

E-FILED
Transaction ID: 2-24-0616
File Date: 11/22/2024 1:48 PM

Jeffrey H. Kaplan, Clerk of the Court
APPELLATE COURT 2ND DISTRICT

No. 2-24-0616

IN THE

APPELLATE COURT OF ILLINOIS

SECOND JUDICIAL DISTRICT

PEOPLE OF THE STATE OF ILLINOIS,	)	Appeal from the Circuit Court of the Twenty-Third Judicial Circuit, DeKalb County, Illinois
Plaintiff-Appellee,	)	
	)	No. 24CF499
-vs-	)	
GEOFFREY SEYMORE,	)	Honorable Joseph Pedersen,
Defendant-Appellant.	)	Judge Presiding.

MEMORANDUM FOR DEFENDANT-APPELLANT IN SUPPORT OF RULE 604(h) APPEAL

JAMES E. CHADD
State Appellate Defender

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Director of Pretrial Fairness Unit

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COUNSEL FOR DEFENDANT-APPELLANT

NATURE OF THE CASE AND JURISDICTION

Geoffrey Seymore, Defendant-Appellant, appeals from a September 13, 2024, pretrial sanctioning order, issued pursuant to 725 ILCS 5/110-6(f), that ordered him to spend 30 days in the DeKalb County Jail and stated: "No good time to apply." (C. 27-28, 40). On September 19, 2024, Seymore, via counsel, filed a Illinois Supreme Court Rule 604(h)(2) motion for relief. (C. 36-37). On September 26, 2024, the trial court held a hearing on the relief motion and denied it. (C. 40). A notice of appeal was filed on October 15, 2024. (C. 60-61).

The Court's jurisdiction will be discussed in greater detail in the argument section, but, in summary, this case involves a final judgment, imposing a jail sentence, and as a result, the order is an appealable order pursuant to Article VI, Section 6, of the Illinois Constitution.

STATEMENT OF FACTS

On September 7, 2024, the State filed three felony complaints against Appellant-Defendant, Geoffrey Seymore, for the alleged possession, manufacturing, and intent to deliver methamphetamine. (C. 5-8). On September 9, the State filed a petition to deny pretrial release. (C. 17-21). On September 9, the court denied the State's petition and ordered that Seymore be released with the conditions that he report to pretrial services, be placed on electronic home monitoring, wear a GPS device, and abide by other terms. (C. 12, 15-16); (R. 50-52).

On September 11, the DeKalb County Sheriff's Office filed an electronic monitoring violation report that alleged that Seymore was outside of his residence at three different locations without permission. (C. 23). On September 12, the State filed a petition for sanctions including a request for 30 days of imprisonment in the county jail. (C. 26).

At a September 13 hearing, the State argued that it provided clear and convincing evidence that Seymore violated his pretrial terms of release because electronic monitoring showed that he was at three different locations without prior permission. (R. 9-10). The State argued that the violation was willful and knowledgeable, since Seymore had prior notice of the release terms. (R. 10). Seymore's counsel only argued that the court should consider alternatives to jail time. (R. 11- 12).

The trial court found that the State provided clear and convincing evidence that Seymore violated a term of the defendant's pretrial release, he had actual knowledge that his actions would violate a court order, the violation of the court

order was willful, and the violation was not caused by a lack of access to monetary resources. (R. 13-15). The court stated that it would impose a sanction of 30 days in jail and that "[g]ood time does not apply to a sanction, so he'll have to serve the entire 30 days ...." (R. 15). In a written order, the court the court wrote, "No good time to apply." (C. 28).

On September 19, 2024, Seymore, via counsel, filed a rehearing motion, in the form of a Rule 604(h) motion for relief, that argued that Seymore was entitled to "good behavior allowance" that applies to "all sentences of incarceration" pursuant to the County Jail Good Behavior Allowance Act (CJGBAA), 730 ILCS 130/3. (C. 36-7). The motion argued that Seymore was "entitled to day-for-day credit during his 30-day sanction that began or before September 13, 2024." (C. 37).

At a September 26 hearing, the trial court stated that Seymore asked to consider whether the "statutory provision under the County Jail Good Behavior Credit, 730 ILCS 130/3, should be applied to a sanction imposed by the court because that section states that the court – each person serving a sentence of confinement in a county jail is entitled to a good behavior allowance." (R. 60). The court summarized that Seymore's argument was that the court imposed "a sentence" that was subject to the CJGBAA. (R. 61). The State commented that the jail term was a "sanction" as oppose to a "sentence." (R. 61).

The court concluded that Seymore could not immediately receive good-time credit because a 30-day jail term issued pursuant to 725 ILCS 5/110-6 was a "sanction," as opposed to a "sentence." (R. 62). The court also noted that section 110-6 did not include any mention of good conduct allowance. (R. 62). The court

then stated, "So based on my plain reading of this section 5/110-6, I find that the defendant is not entitled to any good conduct credit for the sentence of confinement – or sentence of imprisonment – I'm sorry, the sanction of imprisonment in the county jail of 30 days, and therefore, the motion for relief is denied. (R. 62-3).

On September 26, 2024, the court entered an order denying the Rule 604(h)(2) motion for relief. (C. 40). On October 4, a grand jury returned a three-county indictment against Seymore based on the previous charges. (C. 53-55). On October 15, 2024, Seymore, via counsel, filed a notice of appeal. (C. 60-61). The notice of appeal said that defendant appealed a sanctions order. (C. 61).

ARGUMENT

This Court possesses jurisdiction to review a final order imposing a jail sentence as a 725 ILCS 5/110-6(f)(2) sanction and should reverse the sanctioning order because the jail term sentence was subject to immediate reduction by good time allowance.

In a written September 13 order, issued pursuant to 725 ILCS 5/110-6, the trial court ordered defendant Geoffrey Seymore to spend 30 days in the DeKalb County Jail and the court wrote, "No good time to apply." (C. 28). On September 19, 2024, Seymore, via counsel, filed a motion for rehearing and reconsideration, which took the form of a Rule 604(h) motion for relief. The motion argued Seymore was entitled to "good behavior allowance" that applies to "all sentences incarceration" pursuant to the County Jail Good Behavior Allowance Act (CJGBAA), 730 ILCS 130/3. (C. 36-7). On September 26, the trial court denied Seymore's motion. (C. 40). On October 15, 2024, Seymore, via counsel, filed a notice of appeal. (C. 60-61).

This Court should reverse the sanctioning order and clarify the law by concluding that it possesses jurisdiction to review the final sanctioning order imposing a jail term, at least one exception to mootness doctrine applies, and that the trial court erred by concluding that Seymore's jail term could not be reduced due to good behavior. Seymore was entitled to a good behavior allowance to immediately reduce his jail term sentence for violating his pretrial release, because a section 110-6(f)(2) pretrial sanction is not one of the six enumerated exceptions to the allowance of good time credit under section 3 of the CJGBAA. In support of this memorandum, Seymore, via undersigned counsel, states:

A. Standard of review

Whether a trial court imposed a sanction that was unauthorized by statute is a question of statutory construction subject to de novo review. *See People v. Swan*, 2023 IL App (5th) 230766, ¶1; *People v. Taylor*, 2023 IL 128316, ¶45.

B. Trial court's sanctioning authority under Pretrial Fairness Act, 725 ILCS 5/110-6(d)and good behavior credit pursuant to the County Good Behavior Jail Act 730 ILCS 130/3.

When a defendant violates the terms of his or her pretrial release, section 110-6 allows a court to revoke pretrial release, modify conditions of release, or impose sanctions for violations of pretrial release. 725 ILCS 5/110-6(a). After the State files a petition for sanctions and satisfies its evidentiary burden for showing a willful and knowing violation of pretrial release terms, subsection (f) provides that sanctions may include:

(1) a verbal or written admonishment from the court;

(2) imprisonment in the county jail for a period not exceeding 30 days;

(3) (Blank); or

(4) a modification of the defendant's pretrial conditions.

725 ILCS 5/110-6(f).

The Pretrial Fairness Act is silent on whether a defendant may earn good behavior credit while serving a jail sentence as a sanction for violating pretrial release, but the County Jail Good Behavior Allowance Act (CJGBAA) generally entitles defendants to a reduction of a jail sentences based on good behavior while in confinement. 730 ILCS 130/3 (2024). Specifically, under the CJGBAA, "The

good behavior of any person who commences a sentence of confinement in a county jail for a fixed term of imprisonment . . . shall entitle such person to a good behavior allowance," unless certain exceptions apply, none of which are relevant here. 730 ILCS 130/3. In section 10-295 of Public Act 101-652, which became effective on January 1, 2023, the Legislature maintained the longtime language of section 3 of the CJGBAA while adding the phrase "unable to comply with conditions of pretrial release" to replace "post bail" in the later half of section 3. 730 ILCS 130/3 (eff. January 1, 2023); § 10-295, P.A. 101-652.

C. An order imposing an immediate jail term is a final appealable order

This case presents a final order of imprisonment issued on September 13, imposing a 30-day jail term without the benefit of good-time credit and this Court should review this final appealable order. *In re Marriage of Ruchala*, 208 Ill. App. 3d 971, 977 (2d Dist. 1991) ("Given that the court imposed a sanction on petitioner, it is our opinion that the contempt order in this case was final and appealable."). Article VI, Section 6, of the Illinois Constitution provides that a party may appeal a final judgement and the orders here are final. Art. VI, § 6, Ill. Const. 1970.

The sanctioning order was a final appealable order because it was enforceable and concluded the proceedings on the State's petition for sanctions, without directly impacting the underlying the criminal case. In the context of contempt proceedings, "the imposition of a sanction for contempt is final and appealable because, although occurring within the context of another proceeding and thus having the appearance of being interlocutory, it is an original special proceeding, collateral to and independent of, the case in which the contempt arises." *People ex rel. Scott v.*

Silverstein, 87 Ill. 2d 167, 172 (1981). Similar to sanctions arising from contempt proceedings, the section 5/110-6(f) sanction and jail sentence are collateral to the criminal case against Seymore. After the trial court imposed sanctions against Seymore, "[t]here [wa]s nothing left to be done but enforce the judgment." *Silverstein*, 87 Ill. 2d at 172. Since this case involves a final order – as opposed to an interlocutory order – imposing an immediate jail sentence as a sanction and a notice of appeal was timely filed after the trial court's denial of the motion for relief, this Court possesses jurisdiction regardless of the Pretrial Fairness Act and Illinois Supreme Court Rule 604(h)(2).

Even if this Court considers the language of the Pretrial Fairness Act and Rule 604(h)(1), this Court still possesses jurisdiction, because either these rules do not apply to a final sanctioning order, or, if they apply, a final sanctioning order that requires a jail-term is one of the enumerated appealable orders under both the Act and Rule 604. To hold otherwise would be a violation of due process and create conflict with Seymore's constitutional right to appeal a final judgment. Art. VI, § 6, Ill. Const. 1970. This Court possesses a duty, when possible, to harmonize constitutional provisions, Illinois Supreme Court Rules and statutes in a manner that avoids conflict. *See e.g. People v. Mayfield*, 2023 IL 128092, ¶ 30 *("*If a statute conflicts with a rule of the judiciary, a court will seek to reconcile the legislation with the judicial rule, if reasonably possible.").

If Rule 604(h)(1) applies to a 725 ILCS 5/110-6(f) sanctioning order, then this Court possesses jurisdiction to review. Section 110-6.6(a) provides that all appeals of pretrial release decisions "shall be governed by Supreme Court Rules."

725 ILCS 5/110-6.6(a). Rule 604(h)(1) provides:

> (h) Appeals From Orders Imposing Conditions of Pretrial Release, Granting or Denying a Petition to Deny Pretrial Release, or Revoking or Refusing to Revoke Pretrial Release.
>
> (1) Orders Appealable. An appeal may be taken to the Appellate Court from an interlocutory order of court entered under sections 110-5, 110-6, and 110-6.1 of the Code of Criminal Procedure of 1963 as follows:
>
> (I) by the State and by the defendant from an order imposing conditions of pretrial release;
>
> (ii) by the defendant from an order revoking pretrial release or by the State from an order denying a petition to revoke pretrial release;
>
> (iii) by the defendant from an order denying pretrial release; or
>
> (iv) by the State from an order denying a petition to deny pretrial release. Ill. S. Ct. R. 604(h)(2).

The sanction order is reviewable pursuant to paragraphs (I), (ii) and (iii). First, the order imposes a condition, in the form a jail time, as a condition for obtaining pretrial release. Ill. S. Ct. R. 604(h)(2)(I). Second, sanctioning is an order temporarily revoking or denying pretrial release until Seymore serves the jail terms. Ill. S. Ct. R. 604(h)(2)(ii). Lastly, when the trial court imposed the sanction, it denied Seymore's request for release without sanctions and thus, the order is the equivalent of an "order denying pretrial release." Ill. S. Ct. R. 604(h)(2)(iii).

The language of the Act likewise provides support that Seymore is entitled to appeal the sanctioning order. Specifically, similar to Rule 604(h), the statute state, "Rights of the defendant. The defendant shall be entitled to appeal any order entered under this Section denying his or her pretrial release." 725 ILCS 5/110-6.1(j). As noted above, given that a 30-day jail term denies a defendant pretrial release

by detaining him in jail, the order is appealable.

In *People v. Boose*, 2024 IL App (1st) 240031, ¶ 14, the defendant appealed a petition for credit under the CJGBAA, after the trial court ordered her to serve 30 days in jail. *Id.* ¶ 3. The First District panel held that it did not have jurisdiction, because a denial of a petition for credit is not one of the appealable orders under Rule 604(h)(2), nor is it authorized by statute. The court explained that Boose brought her petition for credit under "a distinct law, section 3 of the County Jail Good Behavior Allowance Act." *Id.* ¶ 15. The court explained that Boose's petition for future sentencing credit was not ripe until final sentencing. *Id.* ¶ 16. In other words, Boose did not appeal a final sanctioning order imposing a jail sentence.

This case is distinguishable from *Boose*, because, here, Seymore challenged the final sanctioning order and he was not petitioning for future sentencing credit. In summary, Seymore appeals the final order imposing sanctions and thus, this Court has jurisdiction. Art. VI, § 6, Ill. Const. 1970

D. Mootness exceptions justify this Court's review and guidance.

This appeal presents the question of whether a defendant who is serving a jail sentence as a section 110-6(f) sanction may have that sentence reduced by good-time credit. This Court should find that at least one mootness exception applies, because this case both involves a question of public importance and the question is capable of repetition, yet evading review.

Generally, mootness exceptions include the "(1)the public-interest exception, applicable where the case presents a question of public importance that will likely recur and whose answer will guide public officers in the performance of their duties,

(2) the capable-of-repetition exception, applicable to cases involving events of short duration that are capable of repetition, yet evading review, and (3) the collateral-consequences exception, applicable where the order could have consequences for a party in some future proceedings." *In re Daniel K.*, 2013 IL App (2d) 111251, ¶ 16.

The issue presented here fulfills the public interest exception, because a "question of good time for county jail sentences is likely to recur frequently, and it would assist the administration of the court system if this question is addressed." *In Int. of N.R.*, 172 Ill. App. 3d 14, 15 (4th. Dist. 1988). The question here impacts criminal defendants who may face or have faced a pretrial jail sentence as a sanction. An opinion will provide clear guidance to judges, prosecutors, defendants and even sheriff's departments, who must determine when a defendant can be released from jail after a court orders a pretrial jail sentence as a sanction.

The issue here is also capable of repetition and evading meaningful appellate review due to the short duration of a jail sanction. The repetition exception has two elements: "(1) the challenged action must be too short in duration to be fully litigated before its end, and (2) there must be a reasonable expectation that the complaining party will be subject to the same action again." *In re Craig H.*, 2022 IL 126256, ¶ 20. The first element is met because the 30-day jail term is too short to allow appellate review. *Id.* ¶ 21 (holding an order for 90-days of involuntary treatment was also too brief to allow review). The second element is met because Seymore's prior violation supports a reasonable conclusion that he may be subject to a future sanction, despite the effectiveness of present pretrial release conditions.

This Court should conclude that a mootness exception justifies this Court's review.

E. The trial court erred by denying Seymore day-for-day good time credit for his jail sentence.

This Court should conclude that Seymore was entitled to good behavior allowance to immediately reduce his jail sentence for violating his pretrial release because a section 5/110-6(f)(2) sanction is not one of the six expressed and enumerated exceptions to the allowance of good time credit under section three of the CJGBAA. Section three provides that persons sentenced to county jail are entitled to good-behavior allowance unless one of six exceptions apply. 730 ILCS 130/3. These express exceptions apply to persons who: (1) inflicted physical harm upon another in committing the offense for which he is confined; (2) are serving a mandatory minimum sentence; (3) are sentenced to a county impact incarceration program; (4) are convicted of criminal sexual assault criminal sexual abuse, or aggravated criminal sexual abuse; (5) are sentenced for a felony to probation or conditional discharge, where the condition is to serve a sentence of periodic imprisonment; or (6) are sentenced under an order of court for "civil contempt." 730 ILCS 130/3; *see also Kaeding v. Collins*, 281 Ill. App. 3d 919, 928 (2nd Dist. 1996) (noting exceptions in the 1992 version of the CJGBAA). A section 110-6(f)(2) jail sentence is not one of the six exceptions. Moreover, section 110-6(f)(2) does not contain any express exception. This Court should "not depart from the plain language of a statute by reading into it exceptions, limitations, or conditions not expressed by the legislature." *People v. Neal*, 2020 IL App (2d) 170356, ¶ 35.

While the CJGBAA contains an express exception for sentences for *civil*

contempt and other situations, there is no such express exception for sentences for *criminal* contempt or a pretrial release violation. In the context of jail sentences for criminal contempt, Illinois courts have consistently held that the good behavior allowance must apply because the offense was not one of the express exceptions for earning good behavior allowance. *People v. Russell*, 237 Ill. App. 3d 310, 314 (4th Dist. 1992)(defendant entitled to good-time credit for criminal contempt sanctions served in a county jail); *Kaeding v. Collins*, 281 Ill.3d 919, 928 (2nd Dist. 1996). For example, in *Kaeding*, the court held that the defendant was "sentenced for direct criminal contempt, and, as none of the exceptions enumerated in the Act apply, he must be accorded day-for-day good-behavior allowance on each of the sentences imposed by the circuit court." *Kaeding*, 281 Ill.3d at 928. Likewise, Seymore was sentenced to a jail sanction for violating the terms of pretrial release and such a violation is not an expressed exception under the CJGBAA or PFA.

The Legislature did not create a seventh express exception to the allowance of good behavior credit when it added the phrase "unable to comply with conditions of pretrial release" to replace "post bail" to the later paragraphs of Section 3 of CJGBAA. The absence of an express exception in the CJGBAA and the Pretrial Fairness Act shows that the Legislature did not intend to create one and the trial court here erred by concluding that the opposite was true. *See Russell*, 237 Ill. App. 3d 310, 314-15 ("The absence of criminal contempt as an exception indicates the legislature viewed this offense as one which should have the opportunity to receive good time for good behavior while in jail."). The legislature knows how to create a crystal clear exception to earning good behavior credit and it did not

do so for sentences imposed as sanction for pretrial violations.

The sanction here was a 30-day jail term sentence and thus, this sentence was subject to the CJGBAA. The trial court's conclusion that a jail term imposed as a violation of pretrial release "sanction" was not a "sentence of confinement" is contrary to numerous court opinions that generally recognize that a jail "sentence" is a type of "sanction." When a court imposes incarceration as a sanction for criminal contempt or civil contempt, appellate courts have generally opined that the resulting jail term "sanction" is a "sentence." *See People v. Bailey*, 235 Ill. App. 3d 1, 4 (4th Dist. 1992) (explaining the differences between purpose of jail "sentences" imposed as "sanctions" for criminal and civil contempt); *In re Marriage of Levinson*, 2013 IL App (1st) 121696, ¶ 58 ("The purpose of the circuit court imposing *sanction*s, i.e., an indefinite and continuing fine and/or jail *sentence*, until purged by compliance, is to coerce Robert to comply with the initial order."); *In re Marriage of Vanderpool*, 261 Ill. App. 3d 312, 314 (3rd Dist. 1994)(holding a one-day jail "sentence" was a criminal contempt "sanction" that required due process protections.).

Since the legislature maintained the first paragraph of Section 3 of the CJGBAA when it recently amended the statute, *see* § 10-295, P.A. 101-652, this Court should continue to hold that a jail term sanction is a sentence. 5 ILCS 70/2 ("Any provisions of any statute, so far as they are the same as those of any prior statute, shall be construed as a continuation of such prior provisions, and not as a new enactment."). "[I]n amending a statute, the legislature is presumed to have been aware of judicial decisions interpreting the statute and to have acted with this knowledge." *Bruso v. Alexian Brothers Hospital*, 178 Ill. 2d 455, 458 (1997).The

legislature was aware of cases holding that a jail sanction is a sentence subject to good-time credit unless the CJGBAA contains an express exception.

There is no indication from the plain language of the CJGBAA or the Pretrial Fairness Act that the legislature did not want good-time to reduce a defendant's jail time for a pretrial release violation. In fact, good-time allowance promotes a person's good behavior in and outside of jail before and after trial. Evidence of good behavior shows "that a person has changed and learned to conform his or her conduct to a set of rules." *People v. Dorsey*, 2021 IL 123010, ¶ 63. A conclusion that a defendant serving a section 110-6(f) jail sanction cannot immediately receive good-conduct credit runs counter to the legislative intent of the Pretrial Fairness Act and the CJGBAA, while undermining the goals of jail safety, public safety, deterrence, and rehabilitation. *See also* Ill. Const. 1970, art. I, §11; 5 ILCS 70/6 (statutes must be construed together to avoid conflict).

This Court should reverse the sanctioning order, because the trial court had no enumerated statutory authority to deny Seymore good-time credit that would immediately reduce his jail sentence. Seymore respectfully requests that this Court should reverse the sanctioning order and hold that Seymore was entitled to fifteen days of credit against his sanction of thirty days in the county jail pursuant to the County Jail Good Behavior Allowance Act.

CONCLUSION

For the foregoing reasons, Geoffrey Seymore, Defendant-Appellant, respectfully requests that this Court should reverse initial order and the denial of 604(h)(2) motion for relief, and hold that Seymore was entitled to fifteen days of credit against his sanction of thirty days in the county jail pursuant to the County Jail Good Behavior Allowance Act.

Respectfully submitted,

CAROLYN R. KLARQUIST
Director of Pretrial Fitness Unit

/s/ Samuel B. Steinberg
SAMUEL B. STEINBERG
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COUNSEL FOR DEFENDANT-APPELLANT

CERTIFICATE OF COMPLIANCE

I certify that this memorandum conforms to the requirements of Rule 604(h)(2). The length of this memorandum, excluding the pages or words contained in the cover page, the certificate of compliance, and the certificate of service is less than 4500 words.

/s/ Samuel B. Steinberg
SAMUEL B. STEINBERG
Assistant Appellate Defender

2-24-0616

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Jeffrey H. Kaplan, Clerk of the Court
APPELLATE COURT 2ND DISTRICT

No. 2-24-0616

IN THE

APPELLATE COURT OF ILLINOIS

SECOND JUDICIAL DISTRICT

PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellee, -vs- GEOFFREY SEYMORE, Defendant-Appellant.	))))))))))	Appeal from the Circuit Court of the Twenty-Third Judicial Circuit, DeKalb County, Illinois No. 24CF499 Honorable Joseph Pedersen, Judge Presiding.

NOTICE AND PROOF OF SERVICE

TO: Mr. David J. Robinson, Chief Deputy Director - PTFA, State's Attorneys Appellate Prosecutor, 725 South Second Street, Springfield, IL 62704, Safe-T@ilsaap.org

Mr. Geoffrey Seymore, 410 South 4th Street, DeKalb, IL 60115

Under penalties as provided in law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the Memorandum for Defendant-Appellant in Support of Rule 604(h) Appeal was filed with the Clerk of the Appellate Court using the Court's electronic filing system in the above-entitled cause on November 22, 2024. Upon acceptance of the filing from this Court, persons named above with identified email addresses will be served using the Court's electronic filing system and one copy is being mailed to the defendant-appellant in an envelope deposited in a U.S. mailbox in Chicago, Illinois, with proper postage prepaid.

/s/ Mia Roman
LEGAL SECRETARY
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Ex. C. State's Appellate Court Memorandum

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Jeffrey H. Kaplan, Clerk of the Court
APPELLATE COURT 2ND DISTRICT

No. 2-24-0616

IN THE

APPELLATE COURT OF ILLINOIS

SECOND JUDICIAL DISTRICT

PEOPLE OF THE STATE OF ILLINOIS, Plaintiff/Appellee, -vs- GEOFFREY SEYMORE, Defendant/Appellant	Appeal from the Circuit Court of the Twenty-Third Judicial Circuit DeKalb County Illinois No. 24-CF-499 Honorable Joseph Pedersen, Judge Presiding.

APPELLEE'S MEMORANDUM

Now come the PEOPLE OF THE STATE OF ILLINOIS by David J. Robinson, Chief Deputy Director, State's Attorney Appellate Prosecutor, and in response to defendant's Memorandum in Support of Rule 604(h) appeal state as follows:

1. The State accepts defendant's Statement of Facts for purposes of this appeal, as the issue presented is a legal issue not dependent on the facts of the case.

2. Defendant contends he is entitled to day-for-day credit against the sanction the court imposed after he violated the terms of his release from pretrial detention. The court imposed a sanction of 30 days in jail pursuant to 725 ILCS 5/110-6 (f)(2) on defendant where, the very next day following his release on electronic monitoring, he violated the terms by traveling to three different addresses that were outside the parameters of his release.

3. The court provided that good time was not to apply to the sanction. (C 28)

4. Defendant filed a Supreme Court Rule 604(h)(2) Motion for Relief on September 19, 2024. (C 36) In that motion, defendant contended he was entitled to day-for-day credit on his confinement of 30 days, pursuant to the County Jail Good Behavior Allowance Act, 730 ILCS 130/3.

5. The court denied the motion on September 26, 2024. (C 40)

6. Defendant filed his Notice of Appeal titled "Notice of Appeal from Pretrial Detention or Release Order Pursuant to Illinois Supreme Court Rule 604 (h)" on October 15, 2024. (C 60) Despite titling the appeal as such, defendant is not appealing from a Pretrial Detention or Release Order.

7. The preprinted Notice of Appeal form provided for the defendant to check a box indicating the "Nature of Order Appealed (check only one)". The three choices were an order "[d]enying pretrial release, [r]evoking pretrial release, or [i]mposing conditions of pretrial release." Defendant did not check any of those boxes. Rather, he hand-wrote a fourth option, "Sanctions" and checked a box he created. (C 61)

8. Prior to considering the merits of defendant's appeal, this court is obligated to consider whether it has jurisdiction of this matter. *People v Lewis*, 234 Ill. 2d 32, 36 (2009).

9. In *People v Boose*, 2024 IL App (1st) 240031, the pretrial detainee failed to appear in violation of a condition of her unsecured bond. The trial court issued a warrant for the defendant's arrest, which occurred after the effective date of the Pretrial Fairness Act. *Boose*, 2024 IL App 240031, ¶ 5. The trial court released her and set a date for the preliminary hearing. The defendant failed to appear again. *Id.* After her second arrest, the State petitioned for sanctions pursuant to 725 ILCS 5/110-6(c)-(f) (West 2022). *Id.* The trial court sanctioned the defendant to 30 days' imprisonment for her failure to appear. *Id.* Boose petitioned the court to order the sheriff to give her

day for day sentencing credit pursuant to the County Jail Good Behavior Allowance Act, 730 ILCS 130/1 *et seq*. (West 2022). The trial court denied the petition and Boose appealed.

10. Citing *People v Windsor*, 2024 IL App (4th) 231455, ¶ 17, the court in *Boose* noted that Appellate jurisdiction turns on the parties' compliance with pertinent statutes and the rules of the Illinois Supreme Court. *Boose*, 2024 IL App (1st) 240031, ¶12.

11. Defendant here, as in *Boose*, appeals pursuant to Illinois Supreme Court Rule 604(h). This rule deals with appeals from orders imposing conditions of release, granting or denying pretrial release, or revoking or refusing to revoke pretrial release. The order for sanctions is not an order imposing conditions of release, nor is it an order revoking or refusing to revoke pretrial release. Ill. S. Ct. R. 604(h)(1)(i) and (ii). Nor is the order one that denies pretrial release or refuses to deny pretrial release. Ill. S. Ct. R. 604(h) (iii) and (iv). Thus, there is no basis in Rule 604(h) for an interlocutory appeal in a case involving sanctions issued under the Pretrial Fairness Act and defendant has not cited any case that would allow such an interlocutory appeal.

12. Because this court does not have jurisdiction of this appeal, the appeal must be dismissed. For the foregoing reasons, the State respectfully requests this Court dismiss defendant's appeal.

Respectfully submitted,

THE PEOPLE OF THE STATE OF ILLINOIS

OF COUNSEL:

M. Carol Pope

carol.pope@gmail.com

BY: /s/ David J. Robinson

David J. Robinson

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Prosecutor
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Springfield, Illinois 62704
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CERTIFICATE OF COMPLIANCE

I certify that this memorandum conforms to the requirements of Rule 604(h)(2). The length of this memorandum, excluding the pages or words contained in the cover page, the certificate of compliance, and the certificate of service is less than 4500 words.

/s/ David J. Robinson
David J. Robinson
ARDC No. 6293647
State's Attorneys Appellate Prosecutor

2-24-0616

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Jeffrey H. Kaplan, Clerk of the Court
APPELLATE COURT 2ND DISTRICT

No. 2-24-0616

IN THE

APPELLATE COURT OF ILLINOIS

SECOND JUDICIAL DISTRICT

PEOPLE OF THE STATE OF ILLINOIS, Plaintiff/Appellee, -vs- GEOFFREY SEYMORE, Defendant/Appellant	Appeal from the Circuit Court of the Twenty-Third Judicial Circuit DeKalb County Illinois No. 24-CF-499 Honorable Joseph Pedersen, Judge Presiding.

NOTICE AND PROOF OF SERVICE

TO: Carolyn R. Klarquist, Director
Office of the State Appellate Defender
203 N. LaSalle Street, 24th Floor
Chicago, Illinois 60601
PFA@osad.state.il.us

Under the penalties provided in law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that APPELLEE'S MEMORANDUM is being electronically filed on December 2, 2024, and one copy of same is being served upon defendant's attorney of record via electronic mail on this date.

/s/ Luke McNeill
Luke McNeill, PFA Legal Counsel
State's Attorneys Appellate Prosecutor
SAFE-T@ilsaap.org

IN THE

SUPREME COURT OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS, Plaintiff-Appellant, -vs- GEOFFREY SEYMORE, Defendant-Appellee.	))))))))))	Appeal from the Appellate Court of Illinois, No. 2-24-0616. There on appeal from the Circuit Court of the Twenty-Third Judicial Circuit, DeKalb County, Illinois, No. 24CF499. Honorable Joseph Pedersen, Judge Presiding.

NOTICE AND PROOF OF SERVICE

Mr. Kwame Raoul, Attorney General, 115 S. LaSalle St., Chicago, IL 60603, eserve.criminalappeals@ilag.gov;

Mr. David J. Robinson, Chief Deputy Director - PTFA, State's Attorneys Appellate Prosecutor, 725 South Second Street, Springfield, IL 62704, Safe-T@ilsaap.org;

Mr. Riley Oncken, DeKalb County State's Attorney, 133 West State Street, Sycamore, IL 60178, dekalbsao@dekalbcounty.org;

Mr. Chip Criswell, Public Defender's Office, 133 West State Street, Sycamore, IL 60178.

C/O Mr. Geoffrey Seymore, Public Defender's Office, 133 West State Street, Sycamore, IL 60178 Public Defender's Office

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct. On June 30, 2025, the Brief and Argument for Defendant-Appellee in Support of Rule 604(h) Appeal was filed with the Clerk of the Supreme Court of Illinois using the court's electronic filing system in the above-entitled cause. Upon acceptance of the filing from this Court, persons named above with identified email addresses will be served using the court's electronic filing system and one copy is being mailed to the Defendant-Appellee in an envelope deposited in a U.S. mailbox in Chicago, Illinois, with proper postage prepaid. Additionally, upon its acceptance by the court's electronic filing system, the undersigned will send 13 copies of the Brief and Argument for Defendant-Appellee in Support of Rule 604(h) Appeal to the Clerk of the above Court.

/s/Mia Roman
LEGAL SECRETARY
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